

SUBDIVISION MEETING

August 30, 2001

Chair Karolin Loendorf called the meeting to order at 9:00 a.m.

Commissioners Murray and Varone were present. Others attending all or a portion of the meeting included Ron Alles, Sharon Haugen, Amy Reeves, Nancy Everson, Rodger Nordahl, Gene Leuwer, Dan Sullivan, Jerry Grebenc, Frank Rives, Dan Sullivan, Chris Imhoff, Mike Wagner, Bill Bahny, Greg Bahny, Peggy Benkelman, Paulette DeHart, Dave Gruber, Shea Gruber, Robert Hudnall, Tina Kuney, David Lemm, Bob Lindgren, Mike Murphy, Jim Steuding, Vicki Sullivan, and Carole Byrnes.

Minutes. The minutes of **January 4, 2000, March 15, 20, 27, 22, April 10, 12, June 5, 14, 27, 2001** were approved.

Governmental Finance Officers Association (GFOA) Awards. The Commissioners recognized county employees Rodger Nordahl, Amy Reeves, and Nancy Everson for their work in the preparation of the Certificate of Achievement for Excellence in Financial Reporting for the Comprehensive Annual Report on the County Investment Pool. The employees were given engraved paperweights.

Community Development Block Grant (CDBG). Dan Sullivan, Rocky Mountain Development Council, requested that for Lewis and Clark County sponsor a Community Development Block Grant application to construct 32-one bedroom units of affordable housing for single individuals who are below 50% of the area median income and equals an annual income of \$16,880. The units will rent for \$390 per month and are eligible for Section 8 housing vouchers. The total project cost is estimated at \$3,261,317. The funding mix includes a community development block grant in the amount of \$500,000, a home grant at \$428,000, a low income housing tax credit for \$1,963,000, a bank loan for \$220,000, and a deferred developer note at \$150,114. The proposed location is in the Skelton Addition. Notification of the grant award will be in November.

Hearing no public comments, this closes the public hearing. Commissioner Varone moved that to approve the application process and authorized the Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

DES Grant Application. Paul Spengler wishes to apply for a \$9,600 grant from the State Emergency Response Commission for a hazardous material program which will involve hiring a contractor to put together on the city and county websites an inventory of hazardous chemicals in Lewis and Clark County, cities of Helena and East Helena as well as a map overlay using GIS for public information. This information will be used by emergency response as they respond to a hazardous material spill. This grant requires a \$2,400 match from the county. Commissioner Murray moved that Mr. Spengler be authorized to submit the grant application and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Raven Acres Minor – Discussion on Road Issues. (cont. from 8/23/01).

Commissioner Varone stated the reason this was extended until today was to provide Mr. Bahny an opportunity to meet with staff to see whether or not the applicants needed to submit an application for a variance.

Bill Bahny, 3355 Valley Drive, feels that Commissioner Loendorf needs to review the previous testimony because he believes this variance was covered by the comments that were made at that meeting. If the Commission wishes, he would proceed with the variance application to simplify the process.

Commissioner Varone stated that it was the Commission's intent for staff to visit with Mr. Bahny to decide if the variance request was appropriate or if it was staff's determination that the variances previously approved would take care of the road issue. If that is the case, Commissioner Varone moved that condition 4 be removed as a condition of approve because it was handled in the prior variances. The motion died for the lack of a second.

Commissioner Murray stated that at the request of the applicant to have all Commissioners voting, moved to table this item to September 6. Commissioner Varone seconded the motion. Commissioner Varone seconded the motion and it carried unanimously.

Consideration of a Petition to Abandon a Portion of the Michelle Drive Right-of-Way located adjacent to Lot 4, Block 2 of the Hahn Tracts, First Addition, in the NE¼ of Section 7, T10N, R3W. (cont. from 8/21/01). Commissioner Varone moved to approve the abandonment subject to 6 conditions. Commissioner Murray seconded the motion.

Amendments to Conditions of Approval:

Condition 3. Commissioner Varone moved to remove this condition because the easement follows incorrect lines of the easement and there is no reason to have an easement in that location. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion. The motion carried 2-1.

Condition 4. Commissioner Varone moved to remove this condition because this section of the road is short enough to provide for easy access for emergency vehicles and the construction of a cul-de-sac would be a burden on the applicant. Commissioner Loendorf seconded the motion. Commissioner Murray opposed the motion because the person east of the abandonment is benefiting by receiving half of the road that is being abandoned. The cul-de-sac for fire safety should be provided on the abandoned portion of the road. The motion carried 2-1.

Condition 5. Commissioner Murray moved to amend this condition by adding a statement at the end of the sentence ...or seek an encroachment permit for the length of the fence from the Lewis and Clark County Road Department. Commissioner Varone seconded the motion and it carried unanimously.

The motion to approve the abandonment as amended carried unanimously.

Proposed Minor Subdivision, Preliminary Plat to be Known as Birdseye View. (cont. from 8/28/01) The applicant proposes to create five lots, each for one single-family dwelling. All lots would be served by a shared well, individual on-site wastewater treatment systems and utilities. Access to the lots would be from the proposed Meadowlark Lane connecting to Birdseye Road. Road construction would be required to provide standard physical access. The proposal is generally located 6 miles west of Helena between the intersection of Birdseye Road and Austin Road. Mike Wagner was present representing the applicants, Dave and Sheila Gruber, and indicated his willingness to proceed. Jerry Grebenc presented the staff report. The homes will be served by shared wells. Legal and physical access is via an internal access road Meadowlark Lane and Birdseye Road. This property has been previously used as rangeland. Many people did not see the sign located along Birdseye Road, but the proposal was legally advertised in the Independent Record. There have been several letters and phone inquiries. Applicant wishing to utilize share wells, would need to complete a shared-users agreement for wells and water lines to establish easements to insure that access to that infrastructure is not impaired. The entire length of the internal access road would need to be constructed to county road standards. The culvert currently installed near Austin Road would need to be replaced with a larger one to handle additional runoff. The MDT Road Supervisor recommended a larger than normal culvert at the proposed approach of the intersection of Meadowlark Lane and Birdseye Road to handle drifting snow melt and storm water runoff. The applicant would be required to apply for an approach permit. The applicant should install a hard surface apron at the approach of the internal access road to Birdseye 24 feet by 30 feet. New utilities should be installed underground and lighting could be restricted. A high-pressured gas line traverses along lots 1 and 3 and the applicant should contact MPC to meet requirements. The applicant has requested a variance from county standards for double frontage lots. Staff recommended approval of this proposal subject to 19 conditions as outlined in staff's report.

Commissioner Varone stated that in a letter from Vicky Sullivan and a telephone call from the Benkelmans that the folks in the area did not receive written notification of this hearing.

Jerry Grebenc stated that state statute requires staff to send letters to adjacent landowners. Notification was also advertised in the Independent Record.

Mike Wagner stated the applicants are in agreement with the conditions of approval and would like to add an option for the lot owners to drill their own well if they do not want to hook up to the shared system. The applicant proposes to insert another culvert of equal diameter in length doubling the existing capacity. The results of a non-degradation analysis performed by the County Environmental Health Department show this development would not impact the quality of the aquifer.

Without objection, the minutes of August 28 will be included into the public record, as well as an email received this morning from Ellen Cox.

The Commission opened the public hearing.

Vicky Sullivan, 5150 Hidden Valley Drive. Ms. Sullivan stated her concern for water quantity and the wells are deep with poor production. She feels she should have received proper notification. She disagreed with staff's draft findings of fact that this proposal should be approved and feels an environmental statement should be completed. She stressed the importance of water sustainability in the area and is looking at the cumulative impacts. Other negative aspects for residents and surrounding property include the negative impact on local services, long-term sustainability of wells, the negative impact on the natural environment, the present bedrock water supply is not reliable, this proposal will affect public, health and safety, Birdseye Road is very dangerous even when dry. She recommended that this be denied at this time.

Robert Lindgren, 5220 Hidden Valley Drive. Mr. Lindgren submitted a letter in opposition to this proposal and added that according to the covenants described in the proposal they addressed seismic activity and radon gas, but would like more specifications as to the type of structures to be built.

Peggy Benkelman, 5030 Hidden Valley Drive. Ms. Benkelman stated there are many adverse effects to this proposal. Her main concern is the visual property of the area and the developments that have no covenants. Another issue is the wind and drifting snow and the negative impact it has on the road. She did not receive notice of this hearing, as well as residents on Hidden Valley Drive, Sunset, and Garnet Roads.

Sharon Haugen clarified for the record that environmental assessments are only required for major subdivisions.

Dave Wood, Box 4833, Helena. Mr. Wood's concern is the water issue in the area. This proposal is uncharacteristic of the area. Austin Road has been washed out several times by rainfall. He urged the Commission to deny this proposal.

Vicky Sullivan asked for clarification on the definition of minor and major subdivisions and requested that an environmental assessment be done on this site. The applicant's change to individual wells will create an impact and would like additional time to review the situation.

Sharon Haugen stated she is not aware of any legislative changes regarding the differentiation between minor and major subdivisions and will provide the information the Ms. Sullivan.

Hearing no other comments, this portion of the hearing is closed.

Commissioner Murray moved to take this proposal under decision and render a final decision Thursday, September 6. Commissioner Varone seconded the motion.

Commissioner Varone asked staff to discuss **condition 13**, installation of a well.

Jerry Grebenc stated condition 13 is not a requirement by DEQ. Staff placed this condition to insure that the lot owners would have access to water assuming that an adequate well was drilled that would be approved by DEQ and to insure that well met DEQ and health department standards.

The motion to render a final decision Thursday, September 6, 2001 carried unanimously.

The Commission recessed and reconvened at 10:50 a.m.

Federal Annual Certification Report for Sheriff's Office. Ron Alles reported that this certification report is on behalf of the Missouri River Drug Task Force and relates to asset forfeiture and money laundering. Staff recommended approval. The money goes into the multi-county fund to be distributed based on prorata share. Commissioner Murray moved to approve the report and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Steering Committee Recommendation for a Radio Consultant at the Sheriff's Office. (cont. from 8/28/01) Ron Alles reported that the Steering Committee recommended Spectrum Resources, Inc. of Missouri, be awarded the contract in the amount of \$39,990 for the public safety radio implementation program. Staff recommended approval. Commissioner Varone moved to approve the recommendation of the Steering Committee and authorized Chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Bid Awards-Lewis and Clark County Fairgrounds Bleachers Project. Eric Griffin reported that the Commission opened three bids. The bid was for the bleacher superstructure, which does not included the concrete foundation or any engineering fees. Staff recommended that the Commission award the permanent bleacher project to Tutt Construction, Inc. for \$228,520 for 2400 seats; approve a change order #1 reducing the seats to 2000 and lower the contract amount to Tutt Construction to \$199,798; and approve the use of \$16,788 from the all-purpose fund to complete the project.

Neil Horne, 419 Mill Road, Fairgrounds Users Association. The FUA felt they could not afford the higher InterCap loan with the 2400 seats. Wings with portable bleachers could be added at a later date.

Based on the request of the FUA Commissioner Murray moved to adopt the recommendation of staff and award to Tutt Construction the bid for 2400 seats and approve the change order reducing the bleachers to 2000 seats and authorized the

chair to sign the necessary documents. Commissioner Varone seconded the motion and it carried unanimously.

Bid Award-Lyons Creek Bridge over Little Prickly Pear Creek. Eric Griffin reported that four bids were received and after review by staff and Morrison-Maierle staff recommended awarding the bid to Diamond Construction in the amount of \$170,600. Commissioner Murray moved to award the contract to Diamond Construction in the amount of \$170,660 to replace the Lyons Creek Bridge and authorized the chair to sign all related documents. Commissioner Varone seconded the motion and it carried unanimously.

Bid Award-Striping of 54 miles of County Roads. Eric Griffin reported that one bid was received. This bid did not have a 10% bid bond attached to the bid documents. After consultation with the county attorney's office, they advised calling the contractor and the contractor supplied the 10% bid bond. Staff recommended that the bid be awarded to Promark, Inc. in an amount not to exceed \$13,675.50 based on \$10.13 for each gallon of paint applied. Commissioner Murray moved that the contract be awarded to Promark, Inc. in the amount of \$13,675.50 and authorized the Chair to sign all related documents. Commissioner Varone seconded the motion and it carried unanimously.

Project Agreement MT PFH 98 with the Western Federal Lands Highway Division. Eric Griffin reported the agreement is with Lewis and Clark County, the US Forest Service and Western Federal Lands Division. This project is the result of a county application for a Federal Lands Forest Highway Program on the Rimini Road from Highway 12 to the Chessman Reservoir turnoff. The county will be in charge of right-of-way acquisition. This is a \$5-6 million dollar project. Staff recommended approval of this agreement. Commissioner Varone moved to approve the agreement and authorized the chair to sign. Commissioner Murray seconded the motion and it carried unanimously.

Health Department Contract with DEQ. (cont. from 8/28/01). Joan Bowsher reported this is the standard annual subdivision review contract with DEQ. Staff recommended approval. Commissioner Murray moved to approve the contract for the purposes of wastewater water system review and authorized the Chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Health Department Renewal Contract with Kandy Kohles. Joan Miles reported that the contract with Ms. Kohles is for transcription services for the home visiting services program. Staff recommended approval. Commissioner Murray moved to approve the contract and authorized the chair to sign. Commissioner Varone seconded the motion and it carried unanimously.

Resolution Declaring County Property Surplus Property. Ron Alles reported that this resolution declares surplus on a 1976 Chevrolet Van, 1984 Dodge Aries Station Wagon, and a generator from the Cooney Convalescent Home. Staff recommended approval. Commissioner Murray moved to adopt the resolution and authorized the chair to sign with the understanding that staff will see if the Tommy-Lift can be used elsewhere in the county. Commissioner Varone seconded the motion and it carried unanimously.

There being no other business, the meeting adjourned at 11:25 a.m.